

**ORDER REGARDING THE USE OF VIDEO AND AUDIO RECORDINGS
IN COURTROOMS AND COURTHOUSE COMMON AREAS**

WHEREAS, the District Court Chief Judge is granted administrative authority over the courts within the judicial district pursuant to Minn. Stat. § 484.69, subd. 3;

WHEREAS, Minnesota General Rules of Practice Rule 4.01 provides that “no visual or audio recordings, except the recording made as the official court record, shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge”¹;

WHEREAS, Minnesota General Rules of Practice Rule 4.02 provides exceptions to the general rule promulgated in Rule 4.01 and provides the district court judge the power to authorize use of audio or video recordings for purposes of judicial administration;

WHEREAS, Minnesota Rules of Public Access to Records of the Judicial Branch, Rule 4 limits the accessibility of court records to the public and includes a limitation in subdivision 3(b) that “spoken words in the courtroom that are not part of a proceeding, hearing, or trial . . . may not be listened to or used in any way other than by authorized operators of the recording

The court’s inherent constitutional authority to control all aspects of what transpires in its courtrooms is unquestioned and it extends to video and audio coverage of what transpires in those courtrooms. Video coverage, if provided to the general public, can have a profound impact on proceedings and upon witnesses. The advisory committee comments to rule 4 of the General Rules of Practice reflect decades of experience under a series of Minnesota Supreme Court orders dealing with the use of cameras in Minnesota courts. The judiciary’s constitutional authority is in part recognized by the legislature in the data practices act. Section 13.03, subd. 4(a) and (e) state:

(a) The classification of a government entity's data shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving entity.

(e) To the extent that judicial branch data are disseminated to government entities by the judicial branch, the data disseminated shall have the same level of accessibility at the government entity receiving them as they had at the judicial branch entity providing them. If the data have a specific classification in state statute or federal law, the government entity must maintain the data according to the specific classification.

equipment to orient themselves on recording content”;

WHEREAS, there exists an on-going need to ensure the safety and security of court staff, administration, attorneys, litigants, jurors, victims, witnesses, and the general public in the courtroom, administration areas, and common areas of the courthouse;

WHEREAS, the installation and use of security cameras to record video and/or audio of the courtroom, administration areas, and common areas of the courthouse is an essential tool in maintaining safety and security for all court staff, administration, attorneys, litigants, jurors, victims, witnesses, and the general public;

WHEREAS, monitoring and retaining video and/or audio surveillance recordings will necessarily aid judicial administration, safety, and security and is part of the Sheriff’s duty to keep and preserve the peace of the courthouse. *See* Minn. Stat. § 387.03; and

WHEREAS, due to restrictions in Minnesota General Rules of Practice Rule 4 and Rules of Public Access to the Records of the Minnesota Judicial Branch Rule 4, limiting the accessibility and retention of any video or audio recordings obtained from security cameras is required.

IT IS HEREBY ORDERED

1. No visual or audio recordings, except the recording made as the official court record, are permitted to be made in the courtroom, area of the courthouse where courtrooms are located, or other area designated by order of the chief judge except as follows:
 - a. Cameras permanently installed or affixed in courtrooms, court administration areas, and common areas adjacent to courtrooms, including but not limited to hallways, elevators, and stairwells are solely for security purposes to aid in the protection of court staff, administration, attorneys, litigants, jurors, victims, witnesses, and the general public.
 - i. Access to view or review audio or video footage from the security cameras shall be limited to only those who are essential for courthouse security.
 - ii. Any recording obtained from the security cameras shall be retained by the Sheriff’s Office or other designated agency for no longer than thirty (30) days.

- iii. Copies of video or audio recordings will not be released.²
 - 1. Any request for copy or review of video recordings shall be directed to the District Court Judge who presided over the proceeding or to the District Chief Judge if the request does not involve a specific proceeding. The judge may approve the recording to be reviewed but may not release copies of the recordings.
 - 2. Criminal or civil investigations or trainings by law enforcement are exempt from this request process and they may obtain copies of the video recordings as needed for investigative or prosecutorial purposes.
 - b. Body-worn-cameras and audio recording devices worn by licensed peace officers or corrections staff during the course of calls for service, transport of inmates, or active investigations.
- 2. Any person who fails to comply with this order shall be subject to being held in contempt of court and any appropriate sanctions.

BY THE COURT

Gregory Anderson
Chief Judge
Fifth Judicial District

² Minnesota Rules of Public Access to Records of the Judicial Branch, Rule 4, subd. 3 limits access to audio recordings and does not allow access to spoken words in the courtroom except through transcript.